

IN THE U.S. BANKRUPTCY COURT FOR THE
DISTRICT OF ARIZONA

IN RE:

MAYFAIR PARTNERS LIMITED
PARTNERSHIP

Debtor

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JAMENE JOHNSON

Movant

v.

MAYFAIR PARTNERS LIMITED
PARTNERSHIP

Respondent

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98-12547-ECF-
Case No. 9812548PHX, JMM CAC
Chapter 11

Motion No.

REQUEST TO WITHDRAW MOTION TO LIFT OR MODIFY STAY

Now comes Jamene Johnson, Movant, by her attorneys, Donald D. Hecht and Leslie L. Gladstone, P.A., and requests to withdraw her Motion to Lift or Modify Stay, and for reasons, states:

1. The Movant filed a Complaint in the District Court of Maryland for Baltimore County for personal injuries against Mayfair Partners Limited Partnership on or about July 15, 1999.

2. On or about August 26, 1999, the Debtor/Respondent filed a Suggestion of Bankruptcy requesting a stay of this case (Exhibit A).

3. On or about September 13, 1999, the Movant filed a Motion to Lift or

Modify Stay to the extent there was insurance coverage to pay any judgment. The Movant paid the \$75.00 filing fee with this Motion.

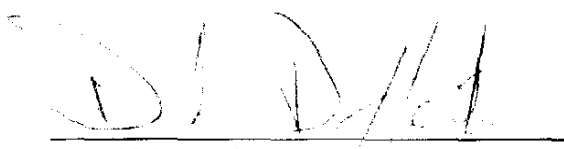
4. By letter dated September 10, 1999, the Debtor/Respondent wrote to the District Court of Maryland for Baltimore County stating that it had just discovered that the Bankruptcy Petition in the above-captioned matter did not apply to this case. The Debtor/Respondent withdrew the Suggestion of Bankruptcy and asked that a new trial date be set (Exhibit B).

5. The Movant had to incur the cost of \$75.00 due to the Debtor/Respondent's mistake in filing a Suggestion of Bankruptcy.

WHEREFORE, the Movant, Jamene Johnson, would request that her Motion to Lift or Modify Stay be withdrawn and the filing fee of \$75.00 be refunded or, in the alternative, that the Debtor/Respondent be ordered to reimburse her the filing fee.

Respectfully submitted,

LESLIE L. GLADSTONE, P.A.



Donald D. Hecht
1040 N. Calvert Street
Baltimore, Maryland 21202-3856
(410) 727-2322
Attorneys for Movant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 1999, a copy of the foregoing Request to Withdraw Motion to Lift or Modify Stay was mailed first class,

LESLIE L. GLADSTONE, P.A.
ATTORNEY AT LAW
1040 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(410) 727-2322
FAX (410) 385-0311

postage prepaid, to:

Mayfair Partners Limited Partnership
t/a Boston Market
14123 Denver West Parkway
Golden, CO 80401
Debtor/Respondent

H. Ray Stronbe, III, Esquire
S. Margie Venus, Esquire
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1900 Pennzoil Place - South Tower
711 Louisiana
Houston, TX 77002
Attorneys for Debtor

Gerald K. Smith, Esquire
Randolph J. Haines, Esquire
Lewis & Roca, L.L.P.
40 N. Central Avenue
Phoenix, AZ 85004-4429
Attorneys for Debtor

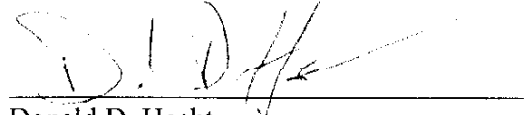
Evan D. Flaschen, Esquire
Richard Casher, Esquire
Hebb & Gitlin
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Attorney for Official Unsecured
Creditors Committee

Donald Gaffney, Esquire
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400 E. Van Buren, 10th Floor
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Attorney for Official Unsecured
Creditors Committee

Neal M. Brown, Esquire
Waranch & Brown, LLC
1301 York Road, Suite 300
Lutherville, MD 21093
Attorney for Debtor/Defendant

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1040 NORTH CALVERT STREET
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United States Trustee
2929 N. Central Avenue, Suite 700
P. O. Box 36170
Phoenix, AZ 85067-6170


Donald D. Hecht

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FAWPDOCS\JOHNSON.JAM\RequesToWithdraw

JAMENE JOHNSON,

Plaintiff,

v.

MAYFAIR PARTNERS LIMITED
PARTNERSHIP,

Defendant.

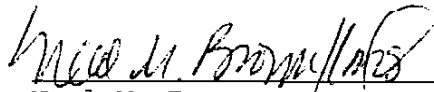
* IN THE
* DISTRICT COURT
* OF MARYLAND FOR
* BALTIMORE COUNTY
* CASE NO. 080400176501999

* * * * *

SUGGESTION OF BANKRUPTCY

Defendant, Mayfair Partners, L.P., t/a Boston Chicken, Inc., by its attorneys, Neal M. Brown and Waranch & Brown, LLC, hereby files this Suggestion of Bankruptcy and attaches the exhibits of the Voluntary Petition filed in the United States Bankruptcy Court for the District of Arizona.

Accordingly, and pursuant to 28 U.S.C. § 362 this action must be stayed as a matter of Federal law.



Neal M. Brown
Waranch & Brown, LLC
1301 York Road, Suite 300
Lutherville, Maryland 21093
(410) 821-3500

Attorneys for Defendant
Mayfair Partners Limited
Partnership t/a Boston Chicken, Inc.

EXHIBIT A

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August, 1999,
a copy of the foregoing Suggestion of Bankruptcy was mailed, first
class, postage prepaid, to:

Donald D. Hecht, Esquire
LESLIE L. GLADSTONE, P.A.
1040 N. Calvert Street
Baltimore, Maryland 21202-3856

Neal M. Brown / Neal
Neal M. Brown

WARANCH & BROWN, LLC
ATTORNEYS AT LAW
SUITE 300
1301 YORK ROAD
LUTHERVILLE, MARYLAND 21093-6080

NEAL M. BROWN (MD, DC)
DIRECT LINE: (410) 821-3508
E-mail: nbrown@waranch-brown.com

TELEPHONE (410) 821-3500

FACSIMILE (410) 821-3501

September 10, 1999

Clerk of the Court
District Court of Maryland
for Baltimore County
120 E. Chesapeake Avenue
Towson, Maryland 21286

Re: Johnson v. Mayfair Partners, L.P.
Case No. 080400176501999
WITHDRAW OF SUGGESTION OF BANKRUPTCY

Dear Sir/Madam Clerk and Mr. Hecht:

I received notification on September 9, 1999 that the Bankruptcy Petition filed by the defendants does not apply to the pending case. Accordingly, I am withdrawing the Suggestion of Bankruptcy and filing simultaneously herewith a Notice of Intention to Defend and discovery to the plaintiff.

Please set this matter in for a one-half hour contested hearing on a date other than September 24, 1999 so that we may have the opportunity to exchange discovery.

I apologize for any inconvenience this may have caused counsel or the Court.

Please let me know if you have any questions or comments.

Sincerely,



Neal M. Brown

cc: Donald D. Hecht, Esquire

EXHIBIT B